IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

FRIDAY, THE 5TH JANUARY 2007 / 15TH PAUSHA 1928

WP(C).No. 31472 of 2005(V)

LAR.343/1987 of I ADDL.SUB COURT,ERNAKULAM
.....

PETITIONER:

V.T.K. ESTATE,
TRIPUNITHURA, REPRESENTED BY ITS PRESIDENT,
PALACE ADMINISTRATION BOARD, TRIPUNITHURA.

BY ADV. SRI.JOSEPH FRANKLIN

RESPONDENT:

STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR,
CIVIL STATION, KAKKANAD.

BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR, J.

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W.P.(C)No.31472 OF 2005

.....

DATED THIS THE 5th DAY OF JANUARY, 2007

JUDGMENT

Petitioner is the decree holder in LAR 343 of 1987. Petitioner is challenging Ext.P4 order whereunder learned Sub Judge fixed the amount payable under the award excluding interest on solatium. The case of the petitioner was that even without a specific order. On the liability to pay interest on solatium interest is payable on the solatium as held by apex court in Gurpreet Singh V. Union of India (2006(8) SCC 457).

2. The learned counsel appearing for petitioner and learned Government Pleader were heard.

3. Under Ext.P4 order learned Sub Judge did not consider the question of the liability of the State to pay interest on solatium. Instead following the decision of this court in State of Kerala V. Mariyamma (2005(1) KLT 173) the liability was fixed without any speaking order. The question is now settled by the Apex court in Gurpreet's case (supra). In such circumstances, Ext.P4 order is quashed. E.P.314 of 1998 is remanded back to First Additional Sub Judge,

Ernakulam for passing appropriate order considering the law laid down by the apex court in Gurpreet Singh V. Union of India.

M.SASIDHARAN NAMBIAR, JUDGE

lgk/-